IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

MONDAY, THE 5TH NOVEMBER 2007 / 14TH KARTHIKA 1929

WP(C).No. 24199 of 2007(E)

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PETITIONER:

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BINCY K.PAULOSE,D/O. K.P.PAULOSE,
ATTUKADAVI HOUSE,VAYALATHALA P.O.,
PATHANAMTHITTA.

BY ADV. SRI.S.SUBHASH CHAND
SMT.M.P.MARY

RESPONDENTS:

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1. STATE OF KERALA REPRESENTED BY THE SECRETARY TO GOVERNMENT,DEPARTMENT OF GENERAL EDUCATION,GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DIRECTOR OF PUBLIC INSTRUCTION, OFFICE OF THE DIRECTOR OF PUBLIC INSTRUCTION, THIRUVANANTHAPURAM.

3. THE DEPUTY DIRECTOR (EDUCATION), OFFICE OF THE DEPUTY DIRECTOR (EDUCATION) MALAPPURAM.

4. THE HEADMASTER, GOVERNMENT HIGH SCHOOL, KARUVARAKUNDU,KARUVARAKUNDU P.O.,MALAPPURAM.

5. THE SECRETARY TO GOVERNMENT, DEPARTMENT OF GENERAL ADMINISTRATION (CE CELL), GOVERNMENT SECRETARIAT,THIRUVANANTHAPURAM.

6. THE DISTRICT COLLECTOR, COLLECTORATE, MALAPPURAM.

BY GOVERNMENT PLEADER SHRI. T.T.MUHMOOD

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 05/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXTS:

EXT.P1: TRUE COPY OF THE PROCEEDINGS DT. 16.2.1997 ISSUED BY THE OFFICE OF THE ACCOUNTANT GENERAL (A & E) KERALA, THIRUVANANTHAPURAM

EXT.P2: -DO- OF THE go(p) NO: 12/99/P&RD DT. 24.5.1999

EXT.P3: -DO- OF THE COVERING LETTER DT. 19.8.2005

EXT.P3a: -DO- OF THE APPENDIX A APPLICATION DT. 19.8.2005 (APPENDIX B AND C EXCLUDED)

EXT.P4: -DO- OF THE REPRESENTATION DT. 9.11.2005 SUBMITTED BY THE PETITIONER BEFORE RESPONDENT NO: 3

EXT.P5: -DO- OF THE COMMUNICATION DT. 1.12.2006 ISSUED BY RESPONDENT NO:4 TO RESPONDENT NO:3

EXT.P6: -DO- OF THE REPRESENTATION DT. 10.12.2005 SUBMITTED BY THE PETITIONER BEFORE RESPONDENT NO:3

EXT.P7: -DO- OF THE COMMUNICATION BEARING NO: A6/11087/06 DT. 23.2.2007 ISSUED BY RESPONDENT NO:3.

EXT.P8: -DO- OF THE REPRESENTATION DT. 6.7.2007 SUBMITTED BY THE PETITIONER BEFORE RESPONDENT NOS; 1 AND 2 (EXCLUDING THE ANNEXURES)

jj /TRUE COPY/

P.A. TO JUDGE

**S. SIRI JAGAN, J.**

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**WP(C).No. 24199 OF 2007 E**

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**Dated this the 5th November, 2007.**

**JUDGMENT**

The petitioner's mother was a P.D. Teacher in Govt. High School, Karuvarakundu, Malappuram. She died while in service on 15.8.1996. The petitioner filed application for appointment under the compassionate employment scheme on 19.8.2005. The same is not being considered by the respondents 1 to 3 is the grievance of the petitioner.

2. A counter affidavit has been filed by the third respondent in which it is stated that the application of the petitioner could not be considered since the service book of the petitioner's mother is missing. However, it is admitted now that the third respondent has forwarded the application with available records to the second respondent for onward transmission to the first respondent.

3. The learned Govt. Pleader submits that the Government would require three more months' time to consider and pass orders on the application filed by the petitioner. The learned counsel for the petitioner raised an apprehension that in view of the statements in the counter affidavit the Government may still refuse to dispose of his

application on the ground that the service book of her mother is not available. I have heard the Govt. Pleader also.

4. In the facts and circumstances of the case, I dispose of this writ petition with a direction to the first respondent to consider the petitioner's application for employment under the compassionate employment scheme, within three months from the date of receipt of a copy of this judgment. Since the missing of the service book is not due to any fault of the petitioner that shall not be held as an impediment for consideration of the petitioner's application. The Government shall consider the petitioner's application on merits, based on the available records and the same shall not be postponed any further on the ground that the service book is missing.

**S. SIRI JAGAN**
**Judge**

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